**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN**
**&**
**THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

**WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929**

**MFA.No. 254 of 2002()**
**----------**
**OPMV.369/1991 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOTTAYAM**
**.....**

**APPELLANT: APPELLANT/PETITIONER:-**
**----------**

**GEORGE MATHEW @ GEORGEKUTTY,**
**MAPPILATHUNDATHIL, NEENDOOR, KOTTAYAM.**

**BY ADV. SRI.M.J.THOMAS**

**RESPONDENTS: RESPONDENTS/RESPONDENTS:-**
**----------**

**1. JOSE KURUVILLA, MANJAKAL HOUSE,**
**S.H. MOUNT, KOTTAYAM.**

**2. ORIENTAL INSURANCE COMPANY LTD.,**
**KOTTAYAM.**

**BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)**

**THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.S. Radhakrishnan &**
**T.R. Ramachandran Nair, JJ.**

**- - - - - - - - - - - - - - - - - - - - - - - -**

**M.F.A.NO.254 of 2002**

**- - - - - - - - - - - - - - - - - - - - - - - -**

**Dated this the 21st day of November, 2007**

# JUDGMENT

Radhakrishnan, J.

The claimant is the appellant. We heard learned counsel for the insurance company also.

2. The only question is whether the amount of compensation awarded by the Tribunal is just and reasonable. No oral evidence was adduced by the claimant. The doctor who issued Ext.A13 certificate, was not examined by the claimant. The Tribunal found that the documents produced are doubtful. All the same, taking into consideration the various averments made in the claim petition, the Tribunal awarded a total amount of Rs.8,600/- with 9% interest from the date of the petition till realisation.

The accident had occurred on 19.8.1990. Learned counsel for the insurance company submitted that the accident itself is doubtful. In such circumstances, we do not find any ground to take a different view at this

distance of time. The compensation awarded is just and reasonable.

The appeal is therefore dismissed.

**(K.S. Radhakrishnan, Judge.)**

**(T.R. Ramachandran Nair, Judge.)**

**kav/**